

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: WIRECARD AG SECURITIES  
LITIGATION

No. 2:20-cv-03326-AB

CLASS ACTION

THIS DOCUMENT RELATES TO:  
  
ALL CASES

**ORDER**

**AND NOW**, this 9th day of February, 2023 it is **ORDERED** that:

- Upon review of Plaintiffs’ Motion for Reconsideration of Order #88 (ECF No. 90), Defendant Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft’s (“EY Germany”) Response in Opposition (ECF No. 93), and Plaintiffs’ Reply in Support of Lead Plaintiffs’ Motion for Reconsideration (ECF No. 94), the Motion is **GRANTED**.<sup>1</sup>
- Accordingly, the Order (ECF No. 88) is **VACATED**.

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<sup>1</sup> In order to prevail on a motion for reconsideration, a party seeking reconsideration must demonstrate one of the following: “(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice.” *Max’s Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999). Plaintiffs argue that the Court reconsider its prior Order (ECF No. 88) on the grounds that their request for jurisdictional discovery was previously presented in their Opposition to Defendant EY Germany’s Motion to Dismiss (ECF No. 76) and overlooked by the Court, which would cause manifest injustice.

The Court agrees, and its analysis is guided by the Third Circuit’s appellate review of a denial of jurisdictional discovery in *Toys “R” Us, Inc. v. Step Two, S.A.*, 318 F.3d 446 (3d Cir. 2003). Plaintiffs made a request for jurisdictional discovery on the basis of “factual allegations that suggest ‘with reasonable particularity’ the possible existence of the requisite [contacts]” following up on “information known” to Plaintiffs, namely the interaction between EY Germany and EY U.S. as stated in the Declaration of Annedore Streyl (ECF No. 64-3) submitted by Defendant EY Germany. *Id.* at 457-59 (citing *Mellon Bank (East) PSFS, Nat’l Ass’n v. Farino*, 960 F.2d 1217, 1223 (3d Cir. 1992)). The request for jurisdictional discovery should have been granted.

- Plaintiffs' request to seek jurisdictional discovery from EY Germany is **GRANTED**.
- The close of jurisdictional discovery is **May 9, 2023**.
- Plaintiffs must file a supplemental brief on the issue of personal jurisdiction **on or before May 29, 2023**.
- Defendant EY Germany must file a supplemental brief in response on the issue of personal jurisdiction **on or before June 19, 2023**.
- Plaintiffs may file a reply to Defendant EY Germany's response **on or before July 10, 2023**.

s/ANITA B. BRODY, J.  
ANITA B. BRODY, J.

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